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against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Second Periodic Reports of States parties

Addendum

SRI LANKA

V.89-50637

PART I

This is the second Report submitted by Sri Lanka under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women. Sri Lanka signed the Convention on 17 July 1980 and ratified it on 5 October 1981.

The initial Report submitted by Sri Lanka was considered by the Committee on the Elimination of Discrimination against Women under Article 20 of the Convention, at its Sixth Session held in Vienna from 27 March 1987 to 10 April 1987 at which session, a representative of the Government of Sri Lanka introduced and defended the initial Report.

Status of Women under the Constitution

Article 12 of the Constitution of the Democratic Socialist Republic of Sri Lanka of 1978 enunciates the fundamental right of equality between the sexes as follows:

" 12 (1) - All persons are equal before the law and are entitled to the equal protection of the law.

(2) - No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any of such grounds. "

The Constitution has also made justiciable the infringement of any fundamental right by executive or administrative authority. The violation of any fundamental right can be canvassed before the Supreme Court of Sri Lanka which is the highest judicial authority in the country. The Supreme Court is empowered to declare any violation and award compensation to a victim of discrimination.

Among the Directive Principles of State Policy and

Fundamental Duties enunciated in Article 27 of the Constitution Directive Principle 6 states that :

> " The State shall ensure equality of opportunity to citizens, so that no citizen shall suffer any disability on the ground of race, religion, language, caste, sex, political opinion or occupation".

In 1986 a Commission for the Elimination of Discrimination and the Monitoring of Fundamental Rights was established by Regulation. Any victim of discrimination on the ground of race religion, language, caste, sex, political opinion or place of birth may complain to the Director of the Commission who will attempt to settle the complaint. Where the Director is unable to settle the dispute the Commission will inquire into the complaint. With the establishment of the Commission, an additional remedy has thus been made available for complaints of discrimination into alia, on the ground of sex.

It has generally been said that Sri Lankan women have "enjoyed" rather than "suffered" the status of feminity. Robert Percival writing as far back as 1803 has said in An Account of the Island of Ceylon (Sri Lanka as it was then known) that comparatively in the Asian region, the women of Ceylon were treated with more attention and were looked upon as wives and companions rather than as slaves.

Legal System

The population of Sri Lanka consists of several ethnic groups, the chief among which are the Sinhalese(both low country and Kandyan) (74%), the Tamils (17%) and the Muslims (7%).

The general law of Sri Lanka is derived basically from the principles of the Roman Dutch Law and the English Law. However, the country being multi-racial and multi-religious there also exist some systems of personal laws. When a person is governed by a particular law, not because he or she is a resident or a national of a particular country, but because he or she belongs to a particular religion or race or is an inhabitant of a particular area of a country such person is

said to be governed by his or her personal law.

The personal laws however are limited in their application mainly to family relations and property matters and do not extend to other areas such as the criminal laws.

The principle systems of personal laws in force are the Kandyan Law (applicable to categories of Sinhalese deemed be Kandyans, i.e. issue of certain persons subject to the Kandyan Law and persons not subject to the Kandyan Law, the Thesawalamai (applicable to Tamil inhabitants of the Northern Province) and the Muslim Law (applicable to Muslims).

There are significant differences between the principles of the general laws and the personal laws. These personal laws contain some restrictions on women, most of which have been derived from the Roman Dutch Law.

The application of any personal law to a particular person therefore excludes the application of the general law to such a person. The areas of discrimination prevailing under the personal laws will be discussed in more detail under Articles 15 and 16. Despite the Constitutional recognition of equality before the law, the existing discriminatory provisions of the personal laws continue since the Constitution al provisions apply to prospective and not retrospective legislation.

National Machinery for Women's Affairs

The Government of Sri Lanka established a National Ministry of Women's Affairs and Teaching Hospitals (MWATH) 1983. With the setting up of Provincial Councils in 1988 several provincial Ministries of Women's Affairs have been established. Prior to the creation of the MWATH, a Women's Bureau had already been established in 1978 as a government agency, consequent to the increasing attention given to women's issues during the U.N. Decade for Women and the intensive lobbying by women's groups for such an organisation. At first it functioned under the Ministry of Plan Implementation which was then under the direct control of the President of Sri Lanka. It was later transferred to the MWATH in 1983. The

establishment of the MWATH is a direct consequence to a recommendation made at the National Symposium for Women in 1982 for the creation of a separate Ministry for Women's Affairs. The subjects and functions assigned to the MWATH are the identification of all areas, projects and institutions related to women and the improvement and welfare of their quality of life and status. The agency responsible for the formulation of policy and its implementation is the Women's Bureau which functions under the direct control of the Ministry of Women's Affairs.

In pursuance of this policy the Women's Bureau has identified the following as its objectives:-

(a) identification of all areas for the improvement of the quality of life of women;

(b) continuous evaluation of the extent to which women have been intergrated to the economic and social life of the country on a basis of equality with men;

(c) making recommendations with a view to guaranteeing full equality for women before the law where such equality may not exist;

(d) ensuring the preservation of Sri Lankan culture and traditions by fostering moral and ethical values so far as they affect the role of women in the process of modernization;

(e) fostering and encouraging greater participation by women in the various spheres of national life;

(f) promotion of training and educational facilities for women thereby providing greater avenues for socially meaningful action by women;

(g) acting as a co-ordinating body to provide a channel of communication for non-governmental women's organizations with the government on women's affairs

(h) serving as a central agency for the channelling of foreign assistance for the promotion of projects for the development of women.

Among the projects initiated by the Women's Bureau are programmes for the creation of general awareness of women's rights and privileges in society, changing attitudes towards women's role and status, securing of equal rights, women's greater participation in professions, increasing legal literacy among women, better educational opportunities, increase of income generating activities, assistance to women seeking employment in West Asian countries, women's perspectives into national plans and their increased participation in policy and decision making at all levels, family problems, increasing access to health, improvement of nutritional status and legal aid and counselling.

The Women's Bureau is headed by a Director who is assisted by 2 Deputy Directors. There are several Assistant Directors who are responsible for project planning, evaluation and the monitoring of the Bureau's programmes. In addition there are Plan Implementation Officers at district level.

The MWATH and the Women's Bureau closely co-ordinate with other organizations both government and non-government. At inter-ministerial level "womens units" have been established in several Ministries for the co-ordination of women's activities and programmes with the Ministry of Women's Affairs. At governmental level the Women's Bureau has an Advisory Panel consisting of specialists from state agencies on education , law, health, labour, media, community development, etc. At non-governmental level, the Bureau is in active collaboration with many N.G.O.'s among them the Centre for Women's Research (CENWOR) which consists of academics and researchers who have for many years been involved in research and action oriented programmes for women and a movement for Women's Services - called the Seva Vanitha Movement which is a government introduced N.G.O.

PART 2

ARTICLE 2

Concerning Article 2(a) to 2(f), the recognition of equality between men and women, by the Constitution of Sri Lanka, has been discussed more fully in Part 1 of this Report. Reference has also been made in that Part to the various measures taken by Sri Lanka for the further enhancement of the status of women.

Concerning Article 2(g) in respect of the status of women under the criminal and penal laws, there is no unfavourable discrimination against women in any area. In fact provisions which seek to protect the rights and interests of women have been enacted by the Penal Code of 1833 and the Code of Criminal Procedure Act, No. 15 of 1979.

Rape is a penal offence carrying a penalty which may extend to 20 years and which is punishable with death in terms of the Emergency Regulations. Cohabitation by a man with a woman deceitfully inducing in her a belief of lawful marriage is an offence punishable with imprisonment which may extend to 10 years. No sentence of corporal punishment can be pronounced upon a woman. Where a woman requires to be committed to custody pending inquiry or trial under the criminal laws, a court may commit her to probation or an approved home in lieu of a prison. Under the Prisons Ordinance, female offenders are required to be kept separately from male offenders and in charge of female wardens. Women suspects may be searched only by female police or prison officers.

With the enactment of the Administration of Justice Law No. 44 of 1973 women became eligible for jury service.

ARTICLE 3

Article 12 of the Constitution of Sri Lanka expressly recognizes that discrimination against women is fundamentally unjust and constitutes an offence against human dignity. This principle is strictly applied in the political, economic social, cultural and other fields of public life. The setting up of a separate Ministry for Women's Affairs and the Women's Bureau which has been given a comprehensive and ambitious mandate to formulate, initiate and co-ordinate state policies significant to women has further enhanced the measures taken to ensure the full development and advancement of women on basis of equality with men.

Despite the availability of a remedy by way of application to the Supreme Court for the alleged infringement of the fundamental right to equality between sexes, significantly no such applications have yet been made since its introduction in 1978, although many fundamental rights applications have been made on the alleged violation of certain other fundamental rights enshrined in the Constitution. A significant number of such applications have been made with the assistance of the Legal Aid Commission of Sri Lanka which provides legal aid to indigent persons.

ARTICLE 4

The Constitutional provision in Article 12(2) that no citizen shall be discriminated against, inter-alia, on the ground of sex, enshrines the principle that women shall not be discriminated against unfavourably. The further provision in Article 12(4) that nothing in that Article shall prevent special provision being made by law, subordinate legislation or executive action for the advancement of women, children and young persons, guarantees that no person can challenge laws for the advancement of women on the ground of equality before the law.

ARTICLE 5

Article 27(6) of the Constitution expressly recognizes the principle of equality of opportunity to all citizens irrespective of sex. This Directive Principles of State Policy enacts that the State shall ensure equality of opportunity so that no citizen shall suffer any disability among other things, on the ground of sex.

The modification of existing social and cultural patterns of conduct of women and men is, one of the goals of the Women's Bureau. It's programme includes the changing of attitudes and liberating them from any existing cultural conditioning. Also, the Women's Bureau is presently conducting an opinion survey to find out the changing perspectives and attitudes of women. It is also the role of the Women's Bureau to encourage shared responsibility in work in the house between men and women, mainly through activities of awareness raising, lectures in schools and via the media.

ARTICLE 6

The suppression of prostitution is presently governed by the provisions of the Vagrants Ordinance of 1842 and the Brothels Ordinance of 1889. Under the present law, soliciting any person for the purpose of the commission of any act of illicit sexual intercourse or indecency, whether with the person soliciting or any other person or knowingly living on the earnings of prostitution are penal offences. Causing or encouraging the seduction or prostitution or unlawful carnal knowledge of a girl under the age of sixteen years by any person having her custody or charge or care is also a penal offence. Under the Brothels Ordinance keeping or managing a brothel is a penal offence.

Since the existing provisions governing prostitution and sexual exploitation are outdated and not conducive to the present emphasis on the treatment of offenders, especially those in need of care and protection, a committee was convened in 1988 to report to the Ministry of Social Services on the subject. This committee has recommended the repeal of the existing laws and

their replacement with an enactment titled the Prevention of Immoral Traffic Act, which will require ... rehabilitation for those sexually exploited for commercial purposes and stringent punishment for the exploiters. The committee has recommended that persons exploited be committed not to prisons but compulsorily to other institutions established for the training and rehabilitation of victims and imprisonment and fines for those who engage in sexual exploitation of others for commercial gain.

ARTICLE 7

Women enjoy equal terms with men, the right to hold public office and perform all public functions at all level of government and to participate in non-governmental organizations and associations concerned with public and political life.

Articles 88 and 89 of the Constitution provide that every citizen above the age of 18 years is qualified to be an elector at all elections and referenda. Article 90 provides that every person qualified to be an elector shall be qualified to be elected as a member of Parliament. Any person who is qualified to be an elector is qualified to be elected to the office of the President, provided such person is not below the age of 30 years.

Women have enjoyed the right to vote on the same terms as men since the grant of universal adult franchise in 1931. Today they form approximately 50% of the voting strength.

Though women have played an active role as voters, their political participation in the legislature has been comparatively low. It could perhaps be said that they have exercised their decision making powers mainly through the vote.

Nevertheless, in 1960, through the Parliamentary process a woman Prime Minister - the first in the world

- was elected. A few women have also held office as Cabinet Ministers. At provincial and local governmental level too their political participation has been relatively low. The current percentage of women in the national legislative body today is 5.15% while at local legislative bodies it is only 1.32%.

All major political parties have Women's Fronts, which are however, most active mainly at the time of elections and special occasions such as May Day rallies.

Although under the 1972 Constitution a quota system existed in regard to the recruitment of women to the Administrative, Clerical, Accounts and Shroft Services, this dicriminatory provision was revoked by the present Constitution .

Today there is no restriction at any level for the employment of women in the government service.

Despite there being no restrictions whatsoever, women were appointed to the judiciary for the first time in 1979. In the same year while the Sri Lanka Army recruited it's first women at officer rank, 1985 saw the entry of women into the Navy. The Police Force however had several female recruits. All opportunities are open to women to reach the highest level in the hierachical structure. There are no legal barriers for their entry into any area of public service. Greater sensitivity to women's issues has made it government policy to make appointments of women to decision making bodies.

Women's low political participation, particularly at decision making level, is attributed to the greater demands made on women in maintaining the family. Traditional attitudes that politics is a man's business also act as a strong constraint. The priorities they attach to their families have often acted as constraints in the advancing of their careers. High educational levels and economic difficulties have however motivated large numbers of women to seek gainful employment. It is women themselves who are ultimately responsible for their reaching higher positions at decision making levels.

With the rapid increase of professionally qualified women, their membership in professional organisations has increased substantially though their involvement in the decision making process has been comparatively low. The Sri Lankan Medical Association has had three women presidents in the recent past. The Sri Lanka Association for the Advancement of Science established in 1945 has had 6 female sectional presidents and one female general president.

ARTICLE 8

In representation at international level, there is no discrimination against women. Sri Lanka has had 4 female diplomats at Ambassador level. Generally diplomats are selected from the career diplomatic service in the Ministry of Foreign Affairs. If women joining that service increase, in due course they will reach the necessary levels for appointment.

Women have regularly been representing Sri Lanka before international fora by virtue of the offices they hold.

Significantly, the first Director of the Women's Bureau was member of the Committee on the Elimination of Discrimination against Women.

ARTICLE 9

Sri Lankan nationality is governed by the Citizenship Act of 1948. The same provisions apply to men and women in respect of the acquisition, loss or retention of Sri Lankan nationality, by birth or by registration.

The same legal provisions apply also in respect of the registration of a spouse, widow or widower as a citizen. Neither marriage to an alien nor the change of nationality by the husband during the marriage operates to automatically change the nationality of a wife. A married woman retains her citizenship until she acquires a new one. When she decides to acquire a new citizenship, she is required, as in the case of

a man, to renounce her Sri Lankan citizenship since dual citizenship is not permitted. An alien man or woman has similar rights with regard to application for Sri Lankan citizenship by registration upon marriage to a Sri Lankan.

For acquisition of citizenship by descent it is the father's citizenship that is relevant. In the case of persons born out of wedlock however the mother or the maternal male ancestors are required to be born in Sri Lanka

Both male and female applicants for registration as citizens have similar rights with regard to the inclusion of minor children in the certificates of registration.

ARTICLE 10

Article 27(2)(h) of the Constitution sets out as a Directive Principle of State Policy, the complete eradication of illiteracy and the assurance to all persons of the right to universal and equal access to education at all levels.

A system of free education has existed in Sri Lanka since 1945 from the elementary level to university level. The provision of additional welfare measures in the sphere of education, such as, scholarships, subsidies and free school text books, available to all qualified students, have further extended educational opportunities to a vast number of the student age population. Primary school education is compulsory to all children. At present there are nearly 10,000 schools, a vast majority of which are co-educational.

Sri Lanka presently has a literacy rate of 80.5% for men and 82.4% for women. Literacy figures reveal that the difference between male and female literacy has been reduc over the years to a great extent. The literacy figures for 1985 are given below:

POPULATION (10 YEARS & OVER) BY AGE, LITERACY AND SEX 1985

Age Group	Total	%	Male	%	Female	%
All Ages	9,998,025	100.0	5,186,728	100.0	4,811,297	100
10 - 14	1,611,760	16.1	830,503	16.0	781,256	16
15 - 19	1,497,003	14.9	767.429	14.8	729,574	15
20 - 24	1,336,177	13.4	660,066	12.7	676,111	14
25 - 29	1,120,193	11.2	534,245	10.3	585,948	12
30 - 34	964,820	9.7	471,170	9.1	493,650	10
35 - 39	825,657	8.3	413,514	8.0	412,143	8
40 - 44	608,737	6.1	317,367	6.1	291,371	6
45 - 49	500,413	5.0	270,774	5.2	229,640	4
50 - 54	439,123	4.3	251.372	4.9	187,751	3
55 - 59	346,152	3.5	213,659	4.1	132,493	2
60 - 64	259,803	2.6	162,036	3.1	97,767	2
65 & over	488,187	4.9	294,593	5.7	193,593	4

An examination of school enrolments by grade and sex reveals as follows:-

Distribution of School enrolments by sex

Year	Total	Male	Female
1981	3,369,694	1,700,020	1,669,674
1983	3,460,375	1,740,311	1,720,064
1985	3,506,569	1,773,361	1,733,208

These statistics reveal an almost equal percentage of school admissions for both sexes.

Statistics of University enrolment by sex is given below.

Year	Total	Male	Female
1982/1983	18,073	10,584	7,482
1983/1984	18,496	10,668	7,828
1984/1985	18,217	10,415	7,802

Enrolment in universities by faculty and sex reveals as follows:-

	1975			1984		
Faculties	Total	Female	%F	Total	Female	%F
Medicine	1239	584	42.1	2185	938	43.
Dentistry	193	108	55.9	258	115	44.
Vet Science	108	53	49.1	127	53	41.
Agriculture	390	100	25.6	693	247	35.
Engineering	1210	126	10.4	1814	268	14.
Architecture	73	21	28.8	94	21	22.
Science	1797	660	36.7	3105	1165	37.
Management Studies	389	263	29.6	1399	631	45.
Education	971	613	63.1	216	112	51
Law	144	61	42.4	321	145	45
Social Science & Humanities	5634	2563	45.5	8800	4578	52
Total	12648	5152	40.7	18962	8273	43
Total Prof. Science	3213	992	30.9	5121	1165	32
Scienc	1797	660	36.7	3105	1642	37
Arts based	7638	3500	45.8	10736	5466	50

These statistics reveal that in 07 Faculties out of female enrolment has exceeded 40% in 1984.

The enrolment in technical institutes reveals as follows:-

Courses	1973 Total	1973 Female	1973 %F	1984 Total	1984 Female	1984 %F
National Diploma in Technology	1278	99	7.7	317	155	18.9
Technician Certificate	13697	75	5.5	4033	370	9.2
Draughtsmanship Certificate				661	348	52.6
Technical Trades	2400	5	0.2	2011	12	0.6
Crafts				273	139	50.0
Tailoring				82	39	47.6
Home Science				113	113	100.0
Agriculture				196	43	21.9
Business & Commerce Diploma	3199	1014	31.8	4553	1988	43.7
Business & Commerce Certificate				3894	2760	70.9
English	207	62	29.9	1103	737	52.5
Total	3453	1258	14.9	18041	6704	37.2

There statistics reveal low enrolment in the technological and agricultural spheres.

The pattern of enrolment in universities and technical institutions therefore reveal the interface of "equal access" policies and social control that directs enrolment in culturally and traditionally demarcated employment areas.

Although there is no subject differentiation according to gender, the selection of subjects by boys and girls have revealed the selection of stereotypes. Female students have consistently selected subjects enabling them to become doctors, lawyers, teachers, nurses, accountants or clerks. An innovation introduced to the schools in 1980 on an experimental basis - the Life Skills Project - sought to replace the traditional curricula for boys and girls with a common

curricula consisting of technical and traditional home science skills for both boys and girls.

Studies have revealed that more boys than girls tend to drop out of school, economic reasons being the main reason. Despite the free education scheme, the cost of basic requirements for schooling in the economically disadvantaged families have led to the school drop out problem. In an attempt to overcome this problem the Ministry of Education in 1980 established "literacy centres" for out of school children. It has been estimated that just over 50% of the enrolments in these centres have been girls.

A Sample Status of Women's Study in 1979 reveals that 90% of parents have stated that the education of girls had a socio-economic value while respectively 90% and 76% of mothers and fathers believed in equal educational opportunities for boys and girls.

In the sphere of vocational education too, conventional feminine vocational areas such as industrial sewing and tailoring continue to attract females as against other vocational areas such as agriculture, masonry or electrical trades. However since the establishment of the National Apprenticeship Board in 1971 a considerable number of women have been trained in trades hitherto male dominated. The Women's Bureau and several non-governmental organizations too conduct non-formal and self-employment programmes. Further, the Women's Bureau has initiated a campaign to motivate women to seek untraditional education.

Equal opportunities are available to both boys and girls to participate in sports and physical activities.

Since the general law on parent and child imposes an obligation on parents to educate their minor sons and daughters, the Court as the upper guardian of minors can interfere with a parent's right to custody in the event of neglect. Parental concern in the education of daughters is reflected by the very high percentage of females who utilize the facilities available for free education.

There are also several adult education programmes which cater to both men and women.

The National Youth Services Council established by the National Youth Services Act, No. 69 of 1979 has among it's objectives the following -

1) to widen the knowledge of youth and to give training in fields relevant to development;

2) to encourage cultural, literacy and artistic activities among youth;

3) to encourage the development of physical culture and sports among youth;

4) to provide recreational and entertainment facilities for youth;

(5) to provide regular employment opportunities for youth by constructively investing funds on a long terms policy basis with an aim to strengthen the economic fabric of the State.

Section 36 of the Act defines youth to include females.

ARTICLE II

In terms of Article 14(1) (g) of the Constitution, all citizens are guaranteed the freedom to engage in any lawful occupation, profession, trade, business or enterprise.

It may be relevant to mention here that under the previous Constitution (1972) it had been enacted that there should be no discrimination in employment opportunities but that in the interest of certain services, specified posts may be reserved for members of either sex. In terms of that proviso, recruitment of women to the public service was restricted as follows :-

10% to the prestigious Sri Lanka Administrative Service from which decision makers are selected.

20% at general clerical Service.
20% at State Accountants Service.

However, agitation by women led to an increase in the quota, until the quota system completely abolished by the 1978 Constitution.

A Demographic Sample Survey of female employees in the Public Sector, conducted in 1987 has revealed a notable increase in the females employed in the state sector. The statistics which stood at 71% (males) and 29% (females) had changed to 65% and 35% respectively in 1985.

The increase in female employment has however been relatively low in the corporation sector. The Demographic Sample Survey attributes this to two reasons, firstly, the public sector considers no difference between males and females in employment and secondly, there are limitations in the work for females in the corporation sector.

In the professional and technical sectors female occupation is as high as 45%. The only disqualification for females which was in the legal profession was removed in 1956 with the enactment of the Sex Disqualification Removal (Legal Profession) Ordinance, prior to which women could not practise as

advocates though there were no restrictions in their admission to legal educational institutes. Although the legal profession consists of about 50% females it was only in 1979 that a woman was appointed to the judiciary for the time. Today the percentage of women in the judiciary is 5 %, the reason being, the low number of women who opt join the judicial service. While women in the medical profession consist of approximately 50% and female accountants are also of a high percent, a relatively low percentage of females is evident in the engineering and architectural profession.

In view of the late entry of women to the service the Sri Lankan Army recruited its first woman at officer rank in 1979. The Navy recruited women for the first time in 1985. A few females had however joined the Force in the early 1979's. Recently a career police women with 30 years service was appointed as the first female Assistant Superintendent of Police. The low percentage in certain areas is attributable to the limited number of women seeking employment in those sectors. A preference for the same service sector jobs such as doctors, teachers, accountants, nurses, and clerks indicate that it is women themselves who opt to follow one profession as against other.

Females seeking employment in the informal sector rapidly increased with the promotion of self-employment. Several national and local non-governmental organizations supported by international and bi-lateral funding agencies implemented for women, special income generating projects. The establishment of the Free Trade Zone (FTZ) has created a demand for female labour utilization. Over 75% of the labour force in the FTZ has been women with the percentage going over 90 % in the garment industries.

The distribution of public sector employees by sex in the larger Ministeries is given below:

DISTRIBUTION OF PUBLIC SECTOR EMPLOYEES BY SEX IN LARGER MINISTRIES - 1980

Ministry	Number of Employees		
	Male	Female	Total
All Ministries	261,198	107,619	368,849
Ministry of Plan Implementation	1,029	513	1,542
Ministry of Local Government, Housing and Constructions	22,756	2,896	25,652
Ministry of Highways	5,079	416	5,495
Ministry of Plantation and Industries	1,625	523	2,148
Ministry of Social Services ..	734	323	1,057
Ministry of Transport	10,651	285	10,936
Ministry of Agricultural Development and Research ..	12,488	2,954	15,442
Ministry of Labour	1,738	413	2,151
Ministry of Health	17,063	13,805	30,868
Ministry of Posts and Telecommunications ..	20,343	2,074	22,417
Ministry of Textile Industries	1,599	6,065	7,664
Ministry of Home Affairs ..	7,967	914	8,881
Ministry of Food and Co-operative	3,385	398	3,783
Ministry of Finance and Planning	3,228	645	3,873
Ministry of Land and Land Development	19,531	790	20,321
Ministry of Trade and Shipping	24,623	1,900	26,523
Ministry of Justice	4,345	662	5,007
Ministry of Fisheries	1,031	119	1,150
Ministry of Rural Industrial Development	3,536	1,119	4,655
Ministry of Education	49,487	65,500	114,987
Ministry of State	1,963	64	2,027
Ministry of Colombo Group of Hospitals and Family Health	2,156	2,376	4,532
All Other Ministries	41,423	2,236	43,659

Source : Census of Public & Corporation Sector Employment 1980;
Department of Census and Statistics.

The number of employees by sex in larger government departments is as follows :

NUMBER OF EMPLOYEES BY SEX IN LARGER GOVERNMENT DEPARTMENTS 1980

Departments	Number of Employees		
	Male	Female	Total
All Departments	261,198	107,651	368,849
Judicial Service Commission	1,943	432	2,375
Department of Local Government Service	13,520	2,139	15,659
Department of Buildings ...	5,967	187	6,154
National Housing Development Authority ...	1,572	163	1,735
Department of Highways ...	4,994	404	5,398
Silk and Allied Products Development Authority	775	357	1,132
Railway Department	10,515	256	10,771
Department of Agriculture ...	5,985	2,527	8,512
Department of Agrarian Services	5,493	243	5,736
Department of Labour	1,705	412	2,117
Department of Health & Ministry of Health ...	17,063	13,805	30,868
Department of Posts and Telecommunications ...	20,294	2,069	22,363
Department of Textile Industries	1,531	6,042	7,573
Government Agencies (Kachcheries)	7,302	755	8,057
Department of Food Commission	1,864	158	2,022
Department of Co-operative Development and Registrar of Co-operative Societies ...	1,482	233	1,715
Department of Inland Revenue	1,186	385	1,571
Department of Land Commission	1,817	60	1,877
Survey Department	7,531	177	7,708
Forest Department	1,129	108	1,237
Immigration Department ...	5,955	365	6,320
Land Development Department...	1,585	19	1,604
Department of Development of Marketing ...	3,647	1, 397	5,044
Sri Lanka Port Authority ...	19,463	270	19,733

Contd.

Department of Prisons	3,021	226	3,247
Ministry of Fisheries	1,031	119	1,150
Department of Small Industries	593	438	1,031
Department of Animal Production and Health	2,547	476	3,023
Department of Education... ... (All Regions)	48,782	65,300	114,082
Department of Government Printer	998	7	1,005
General Hospital	1,174	799	1,973
All other Departments	58,734	7,323	66,057

Source : Census of Public & Corporation Sector Employment 1980; Department of Census & Statistics.

The following table relates to the employed population by major occupational groups and sex :

Employed population classified by major occupational groups and sex

Number in Thousands

Major Occupational Groups	Total	Males	Female
Total Employed	4,119.3	3,248.4	870.8
Professional, Technical and Related Workers	246.4	130.3	116.1
Administrative and Management Workers...	33.7	30.4	3.3
Clerical and Related Workers	257.4	199.4	58.1
Sales Workers	315.7	291.6	24.1
Service Workers	235.2	190.0	45.2
Agricultural and Hunters and Fishermen, Animal Husbandry and Forestry Workers	1,847.0	1,390.4	456.6
Production and related workers, Transport Equipment Operators and Labourers	1,090.1	948.2	141.8
Workers not classified by occupation ...	93.8	68.1	25.7

The employed population by industry divisions and sex is given below :

Employed population classified by Major Industrial division and sex

Number in Thousands

Major Industrial Division	Total	Male	Females
Total Population	14,846.8	7,568.3	7,278.5
Total Employed	4,119.3	3,248.4	870.8
Agriculture, Hunting, Forestry and Fishing	1,875.8	1,416.7	459.1
Mining and Quarrying	33.8	31.5	2.3
Manufacturing	408.7	313.9	94.8
Electricity, Gas and Water ..	16.0	15.3	0.7
Construction	134.0	129.1	4.8
Wholesale and Retail Trade and Restaurants and Hotels	437.3	399.5	37.8
Transport, Storage and Communication	199.6	191.3	8.3
Financing, Insurance, Real Estate and Business Services ..	56.9	46.8	10.1
Community, Social and Personal Services	587.8	393.9	193.9
Activities not adequately described	369.3	310.4	58.9

From a persual of the statistics it emerges that while such occupations that are congruent with the concept of appropriate jobs for women have been increasing in some sectors, the participation of women in other sectors has declined reflecting the differential access of men and women to certain types of employment. Any existing low participation could also be attributable to the limitation of time especially for women with families who find time to be a scarce resource.

The Women's Bureau in an attempt to reduce the existing traditional attitudes prevailing in some areas of employment has been conducting several awareness programmes and project activities.

In 1987 a SAARC Conference on "Women and Employment" was held in Sri Lanka to raise awareness of the situations of womens in the region and to promote programmes and design practical action plans.

Remuneration Structure

A single remuneration structure exists in relation to both men and women. The only disparity of wages which prevailed in the plantation sector was done away with in 1984, extending to that sector the principle of equal wages for equal work.

Social Security

The dedication of the State to carry out social welfare policies is enshrined in Article 27(9) of the Constitution. The right to social security in employment is available to both men and women.

The disparity in pension and provident fund benefits which were restricted to widows - perhaps reflecting the dependancy of women - were removed in 1983 with the enactment of the Widower and Orphans Pension Fund Act, No. 24 of 1983.

Labour legislation enacted from time to time have provided for the protection and welfare of women.

The Maternity Benefits Ordinance which applies to females employed in shops, factories, estates and mines provides that employment shall not be terminated because of pregnancy, confinement or related illness. This Ordinance prohibits the employment of pregnant women in work injurious to their health or that of the child during pregnancy and after confinement. It also provides that no woman shall be employed during a specified period following confinement.

In 1962 the law provided for the establishment and maintenance of creches and the provision of nursing intervals, enabling parents to combine family obligations with work responsibilities to some extent.

The law also provides for the payment of maternity benefits. The original period of six weeks has now been enhanced to 12 weeks for private sector employees although in the public sector the period still remains at six weeks. In order to overcome this anamoly, the government has now accepted in principle the grant of 12 weeks maternity leave to the females in the public sector. The Women's Bureau has conducted a maternity leave survey to ascertain the number of females entitled to 12 weeks maternity leave. It is expected that the extension will be made in the near future.

Special legislation also governs the employment of women, young persons and children. The Employment of Women, Young Persons and Children Act of 1956 restricted night work for women is industrial undertakings. In 1984, agitation by women themselves gained them the right to night work and the law was amended to enable women to do night work, subject to conditions which were introduced in their own welfare and protection. Such conditions include that night work could be given to a female only with her consent and with the sanction of the Commissioner of Labour, provision of female wardens to see to their welfare, rest-room facilities and their employment in night work only to take place if they

are already not employed between 6 a.m. and 6 p.m. and restriction of night work to not more than 10 nights a month.

In the case of female employees, the various statutes pertaining to employment, including the Factories Ordinance and the Shop and Office Employees Act have also provided safeguards for women. The Factories Ordinance for example lays down that no woman or young person shall be made to clean certain types of machinary. Under that Ordinance there is a requirement for the making of special provision for the protection of health and welfare of females employed overtime. There is even provision under the Shop and Office Employees Act that seating accommodation be made in every room where females are required to work.

The Employment of Females in Mines Ordinance prohibits the employment of females in mines except where they are at a managerial level and do not perform manual functions.

An examination of the existing statutory provisions show that the protection of females in employment have been reviewed from time to time and females granted increased protection.

With regard to migrant labour to the Middle East on domestic services, studies have revealed a significant phenomenon in this area in that the movement of women workers at all levels which was a mere 0.4% in 1976 has in 1981 reached a figure of 52.3%. This has not only reduced unemployment levels but also increased foreign exchange earnings. The experiences of the female migrant workers in the domestic level has however, been both successful and traumatic. In 1984 the government intervened to promote the monitoring of their employment by establishing a Foreign Employment Bureau by statute, requiring that recruitment for all employment abroad be only through registered employment agencies. Similarly the Labour Department has commenced programmes to assist the prospective employees with some know - how prior to there departure. Advisory services are also available for the investment of their savings.

ARTICLE 12

Sri Lanka has had a free health service for many years in all parts of the country.

Sri Lanka is a signatory to the commitment and expectation of "Health for all by the year 2000".

A Family Health Education Action Programme established to meet the health needs of the family, with volunteer assistance, Health Inspectors, Public Health Nurses and Midwives, has been able to reach even the most remote areas of the country. Priority has been given for maternal and child health programmes within the network of primary health care.

Significantly, many women's organizations play a vital role in the promotion of health. The main roles are the training of health workers, referrals of mothers and children to clinics, immunization, health education, assistance of patients and distribution of nutritients.

The official policy of the government on population is as follows :-

(1) Steps are taken to curb unplanned population growth;

(2) Provision of enhanced family planning services by the State and financial incentives to individuals to encourage family planning;

(3) The provision by the State of service oriented programmes to enable motivated couples and individuals to receive family planning services;

(4) All family planning services are available only to those who accept them voluntarily.

The conduct of family planning programmes is primarily the responsibility of the Family Planning Association of Sri Lanka. There are extensive family planning programmes in all parts of the country, especially via the media and by way of lectures. Family planning advice is an important part of the

duties of a midwife. According to the World Fertility Survey the percentage of married women knowing at least one contraceptive method is over 80.5%. Contraceptive use has increased rapidly in Sri Lanka, the most widely used method being female sterilization and oral contraceptives.

Women do not encounter any special problems with regard to access to contraceptives. They are widely available in family planning clinics and other medical centres.

The government also utilizes the assistance of voluntary organizations to fight immunization programmes. Immunization is a branch of the Maternal and Child Health Service which has received high priority in recent years through an expanded programme sponsored by the World Health Organization and UNICEF in 1979. There is an important association between the awareness plus acceptance of immunization for children with the education of the mother. Womens Organizations play a significant role in the area of education and awareness.

The establishment of a Food and Nutrition Policy Planning Unit within the Ministry of Plan Implementation has enabled the assessment and evaluation of various programmes on nutritional status and the formulation of a Code for the Promotion of Breast Feeding having regard to the health and nutrition of women and children.

Illegal abortion is a penal offence carrying severe penalties. Termination of pregnancy is available only for the purpose of saving the life of the mother. At present liberalization of abortion is a controversial issue, drawing diverse views, including the issue of the enhancement of the human rights of women.

ARTICLE 13

In terms of Article 27(2)(c) of the Constitution the State is pledged to establish in Sri Lanka a society, one of the objectives of which is the realization by all citizens of an adequate standard of living for themselves and their familites, including adequate food, clothing and housing, the continuous improvement of living conditions and the full enjoyment of leisure and social and cultural opportunities.

Article 27(12) enacts that the State shall recognize and protect the family as the basic unit of society.

There is no discrimination between men and women in regard to family benefits, right to loans and the right to participate in cultural and sports activities.

Both spouses have equal rights to married allowances, pension benefits and provident fund facilities. Food stamps are available to eligible persons irrespective of sex.

Men and women have the same rights to conclude bank loans and other forms of financial assistance.

Sri Lankan women also enjoy the right to participate in all cultural and sports activities.

ARTICLE 14

Eighty per cent of the Sri Lankan population lives in rural areas in which a higher population is females. Since gaining independence in 1948, many policies and programmes directed towards the upliftment of the rural areas, notably welfare measures in land, agriculture, education and health have been introduced.

Under the various land settlement schemes in existence, land can be distributed to both men and women over 18 years of age.

In the agricultural sector, the Farm Women's Agricultural Extension Programme in the development of agriculture has provided extension in agriculture and home economics to women.

In the Fisheries Sector although women play an active supportive role, their enrolment in the fisheries educational activities have been insignificant. There is however no bar to their participation in the fisheries training programmes.

In rural industrial development, the even participation of women have been greatly encouraged. Yet women entrepreneurs are comparatively low.

In the plantation sector, programmes specially directed towards the female plantation workers have been introduced for their upliftmant.

Free education, teaching via the mother tongue and the development of State schools have made education accessible to a large majority of rural children. There has also been a steady rise in the literacy rates of rural students but at the same time the drop out rate, especially among the male students has been high. Vocational and technical education in the rural sector programmes are conducted at a higher level by the Ministry of Higher Education, Ministry of Education, the National Apprenticeship Board, several

government departments and private organizations. Notable among the NGO's is the Mahila Samithi (a women's organization, affiliated to the International Countries Women of the World) which was the first NGO to enter into the area of rural development. There is no legal barrier for the intake of women into those programmes. However, women seem to be confined to commerce and the traditional arts and crafts areas and their participation in certain areas, such as fisheries is low. Applications to the various institutes reveal that they are governed by the stero-typed ideas in respect of employment suitable for either sex.

A project for Women's Consumer Education and Information was commenced at village level by the Corporative Development Department.

The health of rural women have indicated a significant improvement over the last few decades. Both curative and preventive health services have been strengthened. Many government hospitals opened in rural areas have made the State health services more accessible to the rural population. Welfare schemes such as health education has enabled the female life expectation to rise higher, which according to statistics is higher than that of the males. In the areas of nutrition and morbidity particular attention is being given.

Extension of bank services to the rural sector and the establishment of Rural Banks have enabled the village population to have access to loan facilities and deposits. These facilities are available equally to both men and women, although often the income assurance needed by a bank for the extension of loan facilities, make such facilities limited to women.

The participation of rural women, in development planning, even at village level has been minimum. The District Development Councils Act, No. 35 of 1980 provides for the establishment of two distinct district level authorities, and the women's societies that should be represented in the councils are statutorily laid down.

The Women's Bureau has laid special emphasis in the integration of rural women in development planning with a view to mobilizing them towards higher levels of employment. However, socioeconomic reasons have affected not only women but also men in reaching higher levels of education or employment.

There is no bar to female involvement in the various village level organisations such as Cultivation Committees, Rural Development Societies and Co-operative Societies and the NGO's set up at rural level, among them, the Social Economic Development Centre (SEDEC) and the Sarvodaya Shramadana Movement which provides a network of social and free legal services. Women have been involved in community action mainly relating to welfare and religion. At village level women's organizations have been actively competing for contracts in public utility works. One of the objectives of the Water Decade (1980 - 1990) is to revolutionize the role of rural women in contruction and maintenance of water supply schemes.

In settlement schemes housing allowances and food aid for a limited period are provided. Income generating activities, creche facilities, mother and child health care programmes and popularization of family planning projects have been commenced in the rural areas with the assistance of international agencies.

Such projects have been commenced especially in recognition of the vital role women play in the economic survival of the family.

The Women's Bureau has initiated several projects for the advancement of women. It conducts district level development programmes to train and promote income generating

activities for the upliftment of the socio-economic conditions of poorer women and their families. Through country wide programmes on nutrition, family health and income generating activities, the Bureau has been able to mobilize rural women to improve their life conditions. In 1987, 1483 women were trained at village level, out of which 325 were provided assistance to commence self-employment schemes. In 1987, the Women's Bureau conducted a study on women's participation in activities of five export promotion villages.

There are also 810 "women's activity groups" at grass-root level which are affiliated to the Women's Bureau.

ARTICLES 15 & 16

Under the Constitution of Sri Lanka all persons are equal before the law. However as indicated in part I of the Report : Sri Lanka being a multi-racial and multi-religious society, some women continue to be governed not by the general laws of the country, but by their own customary or religious laws which determine their rights and obligations in the areas of family relations and property. Since the equality enshrined in the Constitution pertains to prospective and not retrospective legislation such discrimination continues.

Civil matters

Although under the Roman-Dutch Law women suffered disabilities in the area of civil matters, statutory reforms introduced by the British in the 19th century vested complete freedom on women in regard to civil matters.

Under the general law an unmarried woman is considered a femme sole and has no restriction whatsoever in relation to legal rights pertaining to contracts, business transactions and administration of property. Unmarried women governed by all systems of laws have similar rights. All systems of law also recognize an unmarried adult woman's right to full enjoyment over her earnings.

In the case of married women, under the general law, contained in the Married Women's Property Ordinance of 1924, the Kandyan Law and the Muslim Law, complete freedom is vested on married women with regard to contracts, business transactions, property and earnings. Since recently a wife's income is separately assessed for purposes of tax. With regard to married women governed by the Thesawalamai, although the Jaffna Matrimonial Rights and Inheritance Ordinance of 1911 gives a married woman full powers to transact with her movable property and earnings, no disposal of immovable

property can be made without the husband's consent. However the court has the power to supply consent where a husband withholds consent unreasonably or in exceptional circumstances.

The civil law also contains protective provision that no female judgment debtor can be sent to jail for default.

Under the general law of matrimonial rights and inheritance the surviving spouse has equal rights to succeed to the property of the deceased spouse where the property has not been disposed of by will. The position is similar under the Kandyan Law and the Thesawalamai. The Muslim Law however, indicates a preference for males in intestate succession.

Although freedom of testation is available to both males and females, the age of testamentary capacity is 18 years for women and 21 years for men,despite the age of majority being 21 years for both sexes. As discussed earlier a woman subject to the Thesawalamai can however dispose of her immovable property only with the consent of the husband.

The Roman-Dutch Law of representation by the husband in legal proceedings is no longer applicable to a married woman who now has complete freedom to sue and be sued independently.

Domicile

Article 14(1)(h) guarantees the fundamental right of freedom of movement and of choosing one's residence within the country. Under the present law, a married woman acquires the domicile of her husband and retains it during the marriage. Independent domicile for a married woman is a question for consideration and can perhaps be justified only on the ground that ours is a society in which a man is still recognized as the head of a legal family unit.

Marriage

The minimum age of marriage under the general law is 12 for girls and 16 for boys. This difference is sometimes justified on the ground that a woman should be allowed to enter into marriage earlier than a man because the child-bearing cycle of a woman is limited. While under the customary Kandyan Law, existing provision enables the subsequent validitation of a marriage contracted by a person even below 12 years, there is no minimum age of marriage under the Muslim Law, which merely confers on a Quazi the right to exercise some control over marriages to be solemnized where the bride is under the age of 12 years.

At present there is a proposal before the Government to raise the minimum age of marriage to 21 years to all males and females, irrespective of the laws to which they may be subject. This is in recognition of the welfare of the nation, on the grounds of health eugenics, a check on maternal mortality and as a salutory effect on the birth rate and the current population policy of the State. Sri Lanka is also a signatory to the UN Convention on Consent to Marriage and the Minimum Age of Marriage.

Statistics reveal that there is a drastic reduction in brides under 16 years of age and a significant rise in the age of marriage of women. Since 1975 and upto 1979 the brides in the under 16 age group have been approximately 500. The 16-19 age group has been approximately 20,000. Significantly there has also been a rise in the age of marriage of women.

A woman's consent to a contract of marriage is a pre-requisite of a valid marriage, except in a Muslim marriage. In a Muslim marriage there is no provision for recording the consent of bride. Recommendations have been made from time to time, by various committees, including the Muslim Law

Research Committee that provision be made to record a bride's consent to a marriage, especially since with the spread of female education, the social conditions that led to the exclusion of the bride's signature is no longer prevalent in the Muslim community.

Free choice of marriage is available to all persons legally permitted to enter into a contract of marriage. Within the more conservative sections of society, arranged marriages are also common, but with the required consent of the bride. Matrimonial columns in the local newspapers reveal that marriages are arranged by parents and elders not only for women but also for men. About 30% of the columns concern matrimonial partners for men.

There is no legal requirement of the provision of dowry. However this does not mean that there is no dowry system. In most arranged marriages dowries are given. Advertisement for grooms offer dowry by way of cash and property. On the other hand advertisements for brides show that a salaried bride may be considered an alternative to a dowried bride.

Family relations

During the existence of a marriage, although the concept of the male as the head of a family unit is still prevalent, a married woman enjoys full legal rights as an independent person.

The property rights of married owmen and their legal capacity have been referred to earlier.

As regards divorce, the same grounds for divorce exist under the general law for both men and women. They are adultery subsequent to marriage, malicious desertion and incurable importency at the time of marriage. The introduction of a 7 year separation as a ground in recognition of irretrievable breakdown of marriage has given rise to contrary

judicial decisions. Moves to clarify the position that the intention of the Legislature was to introduce this ground as an additional one, are underway.

In the Kandyan Law the grounds are, adultery by the wife after marriage, adultery by the husband, coupled with incest or gross cruelty, desertion by either spouse for 2 years, inability to live happily together and mutual consent.

Under the Muslim Law, a wife can apply for a divorce on the ground or ill treatment or any act or omission amounting to a fault. No grounds are laid down in respect of a husband who wishes to obtain a divorce.

Proposed amendments to the relevant divorce laws now before the Government have attempted to prescribe uniform grounds as far as possible. It is not possible to apply the same grounds, especially to Muslim marriage and divorce since they are governed by the Islamic Law.

Prior to 1975 legislation provided only for a woman to be cited as co-respondent in an action for divorce and damages based on adultery. This provision has since been repealed by the Administration of Justice(Amendment) Law No. 25 of 1975 and the law now contained in the Civil Procedure Code requires that in an action for divorce based on adultery with a named person, such person shall be made a co-defendant to the action.

The Administration of Justice (Amendment) Law also provided for maintenance in matrimonial actions to be claimed by either spouse and the position remains the same under the Civil Procedure Code now governing the subject. The concept of duty of support which was earlier upon the man is now extended also to a woman.

Though the preferential right of the father was recognized earlier on custody issue upon divorce of parents, the trend in recent judicial developments have been to emphasize the best interests of the child.

Legislation governing children and young persons as well as the general marriages and Kandyan marriages emphasize that during the subsistences of a marriage, the father has superior rights as natural guardian. The Muslim Law also confers significant rights over minor children upon the father and a mother's rights to custody are limited. Under the Muslim Law parental rights depend primarily on the age and sex of a child. However with the recognition that the child's interest is paramount, a court can override other factors in determining custody.

Although both polygamy and polyandry had been recognized by the traditional Sinhala Laws, reflecting the recognition of a woman's sexual equality, in the 19th century the British conquerors made polygamy illegal. Today bigamy is a penal offence except in the case of Muslims, who in fact practice polygamy only very rarely is Sri Lanka. Further the Muslim Marriage and Divorce Act of 1954 contains provision to give notice to the first wife by a man who intends to contract a second marriage. Statistics reveal that only ½% of registered Muslim marriages are polygamous. A few instances of non Muslim converting to Islam, solely for the purposes of a polygamous marriage, has led to proposals being made to invalidate any subsequent marriage entered into without the legal dissolution of an earlier marriage.

A father's obligation to maintain a child upon the dissolution of a marriage is expressly recognized by the Maintenance Ordinance. However, a mother's means are also taken into consideration in deciding the quantum of maintenance.

While under the general law a father is statutorily obliged to maintain his illegitimate children, under the Muslim Law no such obligation is imposed on a father. The recognition of such an obligation has been made due to the impact of the Maintenance Ordinance.

Representation of minors

In terms of the Civil Procedure Code now in force men and women have the same rights to institute actions on behalf of minors as next of kin. However married women are precluded from being appointed as guardians-ad-litem for minor defendants. This prohibition was removed in 1975 with the enactment of the Administration of Justice (Amendment) Law, No. 25 of 1975 which repealed the Civil Procedure Code then in force. However with the automatic re-introduction of the former Civil Procedure Code in full, in 1977, the preclusive provision too was automatically re-introduced though not intentionally.

With regard to the institution or defence of a action by a person adjudged to be of unsound mind, the same provisions apply as in the case of a minor.

Adoption of children

Under the Adoption of Children Ordinance, any person may apply to court for the adoption of a child. No adoption order can however be made where a sole applicant is a male and the child in respect of whom the application is made is a female, unless the court is satisfied that there are special circumstances which justify the making of the adoption order.